IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 24718 of 2006(P)

PETITIONERS:
----

1. B.MADHUKUMAR, PLANT ATTENDER/SALESMAN, THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK PRODUCERS' UNION LTD., KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM.

2. S.SANALKUMAR, PLANT ATTENDER/SALESMAN, THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK PRODUCERS' UNION LTD., KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.BABY

RESPONDENTS:
----

1. THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK PRODUCERS' UNION LTD., KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE BOARD OF MANAGEMENT OF THE THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK PRODUCERS'UNION LTD., KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING CHAIRMAN.

***3. STATE OF KERALA, REP. BY ITS CHIF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**

***ADDL. R3 IS IMPLEADED AS PER ORDER DATED 18/12/2006 ON IA NO. 17584/2006**

BY ADV. SRI.B.S.KRISHNAN(SR.), SC, MILMA
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN
GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 24718/2006 P

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE JUDGMENT DT. 9/2/2004 IN OP NO. 5849/01 OF THIS COURT.

EXT.P2. COPY OF THE ORDER DT. 13/4/2004 BY THE R1 IN FAVOUR OF P1.

EXT.P3. COPY OF THE RESOLUTION DT. 6/4/04 OF THE RESPONDENTS UNION.

EXT.P4. COPY OF THE INTERIM ORDER DT. 27/4/2004 IN WPC NO. 13673/2004 OF THIS COURT.

EXT.P5. COPY OF THE JUDGMENT DT. 24/11/2004 IN WPC NO. 13673/04 OF THIS COURT.

EXT.P6. COPY OF THE MEMO DT. 4/3/06 BY THE R1 IN FAVOUR OF ONE K. SUKUMARAN NAIR.

EXT.P7. COPY OF THE RESOLUTION DT. 25/2/2006 OF THE RESPONDENTS UNION.

EXT.P8. COPY OF THE PROCEEDINGS DT. 28/3/2006 OF THE MANAGING DIRECTOR OF THE R1.

EXT.P9. COPY OF THE ORDER DT. 31/10/2006 ALONG WITH UNITWISE LIST OF EMPLOYEES BY THE GOVT. OF KERALA.

EXT.P10. COPY OF THE COMMUNICATION DT. 12/4/2007 BY THE R1 TO SRI. R.DANIEL.

EXT.P11. COPY OF THE NOTIFICATION DT. 15/10/2007 BY THE R1.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE CIRCULAR.

True copy

tga

THOTTATHIL B. RADHAKRISHNAN, J.

= =

WP(C).No.24718 of 2006-P

= =

Dated this the 13th day of November, 2007.

JUDGMENT

The petitioners claim that they are entitled to regularization in the service of the first respondent MILMA. They foot their claim on the plea that they had been engaged for quite a long time and had been earlier with the primary milk co-operative societies. It is their contention that Exts.P1 and P5 judgments rendered by this Court aid their claim for regularization. As of now, Ext.P8 shows that the consideration of the question of regularization with retrospective effect is gaining attention of the Board of MILMA. Obviously, such consideration cannot continue indefinitely and MILMA has to come to a definite decision as to whether the petitioners would be regularized and if so, whether such

regularization would be with retrospective effect. Having regard to the fact that two judgments were already issued by this Court, it is directed that respondents 1 and 2 will take a decision on such issue within an outer limit of four months from the date of receipt of a copy of this judgment. Any further disputes regarding any claim for regularization or retrospective regularization could essentially be agitated only in appropriate proceedings in terms of the provisions of the Kerala Co-operative Societies Act. This writ petition is disposed of leaving open all other questions.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/